

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

J. CURTIS SMITH, and
DEBORAH SMITH

Plaintiffs

vs.

STATE FARM FIRE AND CASUALTY
COMPANY

Defendant.

CIVIL ACTION NO. 13-9

JUDGE: Mattie

MAGISTRATE: Lee

NOTICE OF REMOVAL OF CAUSE

To The Honorable Judges of The United States District Court for The Eastern District Of
Tennessee at Chattanooga:

COMES NOW Defendant State Farm Fire & Casualty Company, and proceeding
pursuant to 28 USCA 1332(a)1, and 28 USCA 1441, and would respectfully file its Notice of
Removal of this Cause from the Circuit Court of Sequatchie County, Tennessee, to this
Honorable Court. For cause, State Farm Fire & Casualty Company would show:

1. The Defendant, State Farm Fire & Casualty Company, is a corporation
incorporated under the laws of Illinois, and has its principal place of business in Bloomington,
Illinois, and at no other place.
2. Plaintiffs, J. Curtis Smith and Deborah Smith, are alleged to be residents and
citizens of Sequatchie County, Tennessee, and of no other state. (Complaint, paragraphs 1 & 2).
3. On or about December 3, 2013, Plaintiffs Smith filed in the Circuit Court of

Sequatchie County, Tennessee, a suit against the Defendant State Farm Fire & Casualty Company. Said action is Civil Action/Case Number 13-cv-258. A true copy of the Summons and Complaint is attached hereto and incorporated herein as Exhibit 1 to this Notice.

4. The Plaintiffs' Complaint was served upon Defendant State Farm Fire & Casualty Company through the Tennessee Department of Commerce and Insurance on December 10, 2013. The service of the Complaint, as aforesaid, was the Defendant's first knowledge of the institution of this litigation. A true copy of the service so made is attached hereto and incorporated herein as Exhibit 2 to this Notice.

5. According to the averments of the aforementioned Complaint, the Plaintiffs' allegations against the Defendant herein involve the alleged breach of a contract of insurance between the Plaintiffs and the Defendant, which contract of insurance involves real property owned by the Plaintiffs on Dell Trail, Dunlap, Sequatchie County, Tennessee. (See paragraphs 4 & 5 attached Complaint).

6. The amount in controversy between these parties is in excess of \$500,000.00 according to the averments of the Complaint. (See Plaintiffs' paragraphs numbers 6 & 7).

7. The location of the real property involved in this litigation is in Sequatchie County, Tennessee, and said location is within the Judicial District and Division served by this Court.

8. This Notice of Removal is filed within 30 days as required by 28 USCA 1446.

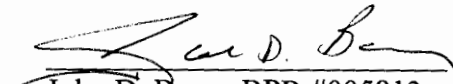
9. State Farm Fire & Casualty Company says that this cause is properly removable to this Honorable Court based upon diversity of citizenship of the parties and the requisite amount in controversy in accordance with 28 USCA 1332(a).

10. In accordance with the requirements of 28 USCA 1446, State Farm Fire & Casualty Company attaches as Exhibits 3 and 4 hereto its Notice of such removal to the Plaintiffs, and to the Circuit Court Clerk of Sequatchie County, Tennessee.

WHEREFORE, State Farm Fire & Casualty Company prays the removal of this cause to this Honorable Court for such further proceedings as are required by law.

Respectfully submitted,

MILLIGAN-BARRY



John D. Barry, BPR #005813

701 Market Street, Suite 1000

P.O. Box 15727

Chattanooga, TN 37415

423-634-6116 - Telephone

423-265-3039 - Facsimile

Attorney for State Farm Fire & Casualty Co.

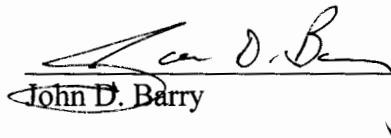
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel for all parties at interest in this case by delivering a true and exact copy of said pleading to the offices of said counsel or by placing a true and exact copy of said pleading in the United States Mail, with sufficient postage thereupon to carry the same to its destination.

Jared C. Smith, Esq.
P.O. Box 1656
Dunlap, TN 37327

Ms. Karen Millsaps
Circuit Court Clerk
Sequatchie County Circuit Court
351 Fredonia Road, Suite B
Dunlap, TN 37327

This the 7th day of January, 2014.



John D. Barry